

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

| KAYLAN MORRIS, on behalf of herself and all others similarly situated |))) |
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| Plaintiff, |) |
| v. |) CIVIL ACTION NO.:) 2:19-cv-650-GMB |
| WALMART, INC. f/k/a WAL-MART STORES, INC., |))) |
| Defendant. |) |

DECLARATION IN SUPPORT OF PLAINTIFF'S MOTION FOR CLASS CERTIFICATION, AND INCORPORATED MEMORANDUM OF LAW IN SUPPORT OF CLASS CERTIFICATION

- I, Travis E. Lynch, Esq., am one of the attorneys who represent Plaintiff Kaylan Morris, on behalf of herself and all others similarly situated ("Plaintiff") in this action. The facts stated herein are based upon my own personal knowledge and information, and if called as a witness I would testify competently thereto.
- 1. Attached hereto and designated as <u>Exhibit 1</u> is a true and correct copy of excerpts from the deposition transcript of Sarah Redford, a Fed. R. Civ. P. 30(b)(6) witness for Defendant Walmart, Inc. f/k/a Wal-Mart Stores, Inc., dated February 24, 2021 with highlighting.
 - 2. Attached hereto and designated as Exhibit 2 is a true and correct copy

of a stipulation between the Parties in this litigation regarding Walmart's advertisements of the Pediatric Shakes.

- 3. Attached hereto and designated as Exhibit 3 is a true and correct copy of the ingredients list for the "Clean Label" Vanilla Pediatric Shakes and "Clean Label" the Chocolate Pediatric Shakes. These images were obtained on October 1, 2021 from https://www.walmart.com/ip/Parent-s-Choice-Pediatric-Shake-Chocolate-8-oz-Bottle-6-Count/38763847 and <a href="https://www.walmart.com/ip/Parent-s-Choice-Pediatric-Shake-Chocolate-8-oz-Bottle-6-Count/38763847?athcpid=38763847 & athpgid=AthenaItempage&
- 4. Attached hereto and designated as <u>Exhibit 4</u> is a true and correct copy of the packaging for the "Clean Label" Vanilla Pediatric Shakes. This image was obtained on October 1, 2021 from https://www.walmart.com/ip/Parent-s-Choice-Pediatric-Shake-Vanilla-8-oz-Bottle-6-Count/38763845.

athcgid=null&athznid=si&athieid=v0&athstid=CS004&athguid=udoJjU2QRKARl

Kh-6-XGDA3MJ-EQr-eba Zx&athancid=null&athena=true.

- 5. Attached hereto and designated as <u>Exhibit 5</u> is a true and correct copy of Exhibit 5 to the deposition transcript of Sarah Redford, a Fed. R. Civ. P. 30(b)(6) witness for Defendant Walmart, Inc. f/k/a Wal-Mart Stores, Inc. This document was produced for purposes of this as WM_MORRIS_000081.
 - 6. Attached hereto and designated as Exhibit 6 is a true and correct copy

of the deposition transcript of William Ayers, a Fed. R. Civ. P. 30(b)(6) witness for Defendant Walmart, Inc. f/k/a Wal-Mart Stores, Inc, dated June 3, 2021.

| 7. Attached hereto and designated as <u>Exhibit 7</u> is a true and correct copy |
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| of an excerpt of Exhibit 17 to the deposition of William Ayers, a Fed. R. Civ. P. |
| 30(b)(6) witness for Defendant Walmart, Inc. f/k/a Wal-Mart Stores, Inc. This |
| document was produced for purposes of this as WM_Morris_0002100. |
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8. Attached hereto and designated as Exhibit 8 is a true and correct copy of an excerpt of Exhibit 18 to the deposition of William Ayers, a Fed. R. Civ. P. 30(b)(6) witness for Defendant Walmart, Inc. f/k/a Wal-Mart Stores, Inc.

- 9. Attached hereto and designated as <u>Exhibit 9</u> is a true and correct copy of excerpts from the deposition transcript Kaylan Morris, dated June 3, 2021 with highlighting.
- 10. Attached hereto and designated as <u>Exhibit 10</u> is a true and correct copy of Heninger Garrison Davis' Firm Resume.
- 11. Attached hereto and designated as <u>Exhibit 11</u> is a true and correct copy of a compilation of Exhibit 4 (Responses to Interrogatories); Exhibit 5 (Responses to RFPs); and Exhibit 7 (Purchase Records) to the deposition transcript Kaylan Morris, dated June 3, 2021.

DATED this 1st day of October 2021.

Respectfully Submitted,

/s/ Travis E. Lynch

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